

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Meeting Date:	August 20, 2007
Docket Number:	0707-VS-021
Appellant:	Amy Hittle
Property Address:	20831 Anthony Road
Variance of Standard Request:	<i>WC 16.04.030, B6b</i> Side Yard Setback in the AG-SF1 District

EXHIBITS

- | | |
|---|------------|
| 1. Staff Report | 07/16/2007 |
| 2. Aerial Location Map | 07/16/2007 |
| 3. Property Card | 06/27/2007 |
| 4. Letter of Grant for Variance 93-V-19 | 08/31/1993 |
| 5. Appellant's Application and Plans | 06/11/2007 |

RELATED CASES

0707-VS-022 Stable setback – variance request

VARIANCE OF STANDARD REQUEST

This variance of standard request is to reduce the northern side yard setback line from 30 feet to 15 feet in the AG-SF1 District (*WC 16.04.030, B6b*). Specifically, this request is in regard to the setback requirements for a proposed accessory structure on the subject property.

PETITION HISTORY

This petition was scheduled for public hearing at the July 16, 2007 Westfield-Washington Township Board of Zoning Appeals meeting. Due to the lack of a quorum, the July BZA meeting was cancelled. As a result, this item was continued to the August 20, 2007 BZA agenda. Public notice for this item was properly served.

PROPERTY INFORMATION

The subject property is currently approximately 7.25 acres in size (see Exhibit 3). The subject property is located on the west side of Anthony Road and is approximately 1,330 feet north of the S.R. 38 right-of-way. The subject property is zoned AG-SF1. Currently, the property is being used as a single-family residence.

The subject property is bounded on the north and south by large-lot, rural residential uses. The subject property is bounded on the east (across Anthony Road) and west by agricultural uses. The subject property is adjacent to a heavily wooded area, located to the north and west of the property (see Exhibit 2). Property on all sides is also zoned AG-SF1. The subject property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

On August 16, 1993, the Westfield-Washington Township Board of Zoning Appeals granted a variance that allowed a second residence on the subject property (93-V-19) (see Exhibit 4). A condition of the approval tied the variance to the specific petitioner of the request, Mr. Peter Miller. The variance was never acted upon, and only one residence exists on the subject property. Mr. Miller no longer owns the subject property; therefore, the approval of variance request 93-V-19 has expired and is no longer applicable to the subject property. Variance 93-V-19 has no impact on this variance request.

There are no additional variances, special exceptions, development plans, subdivision plats, or rezoning cases on record for the subject property.

ANALYSIS

The eastern half of the subject property is currently improved with a residential structure. In front of the residential structure, a 50-foot pipeline easement crosses the property from southwest to northeast. According to the submitted plans, a septic field is located behind the residential structure, to the west. The western half of the subject property is currently improved to accommodate horses; the improvements include a stable, a corral, and a pasture. A fence divides the pasture into east and west sections. A gate is located at the approximate midpoint of the fence. The property is currently accessed by a driveway that generally runs along the northern portion of the property and terminates at the existing horse stable.

The proposed barn would be approximately 48 feet by 56 feet (2,688 square feet), and it would be located on the north side of the property. According to the submitted plans, an existing 100 square-foot shed would be removed and access would continue along the northern portion of the property to the proposed barn.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain rural in character and use. It is identified as part of the "Rural Northwest and Northeast" component of the future land use plan.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health, safety, morals, and general welfare of the community. The intent of building setbacks is to establish minimum yards, establish a minimum building line, and manage minimum building separation. By reducing the side yard of the proposed accessory structure, a minimum side yard of fifteen feet (15') would exist, which is greater than the side yard setback requirements for SF-2, SF-3, SF-4 and SF-5. A fifteen-foot (15') setback allows adequate space to provide fire protection for the subject property and the adjoining property to the north.

b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Findings: Relief from the minimum side yard setback standard is not likely to affect the use and value of adjacent properties in a substantially adverse manner because it would not encroach upon the use and enjoyment of neighboring properties. The proposed accessory structure would be approximately 200 feet from the closest permanent structure on adjacent property. By locating the accessory structure fifteen feet (15') closer to the property line than the terms of the Zoning Ordinance require, the use and value of neighboring properties would not be negatively impacted.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: The subject property is not constrained by natural features that would prohibit compliance with the terms of the zoning ordinance for the construction of an accessory structure. Some existing site improvements, such as the pipeline easement, the septic field, the stable, and the corral, limit the land availability for the proposed barn. The existing pasture area would be the only location on the subject property for construction of an accessory structure without significantly impacting and reconfiguring existing improvements. Considering the configuration of the property and the existing improvements to the property, proposed accessory structure could physically comply with the setback standard established in the zoning ordinance. The cost associated with compliance would be reducing the amount of land available for pasture.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

RECOMMENDED CONDITIONS

If the Board approves this variance of standard request, the following condition would be appropriate:

1. That no further future reductions of the northern side yard occur.

Aerial Location Map

20831 Anthony Road



EXHIBIT 3

co.HAMILTON.in.us

Official government site of Hamilton County, Indiana

Online Se

Property Card Report**1. report type**

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

Disclaimer:

This program allows you to view and print certain public records. **Each report reflects information as of a specific date;** so the information different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for accuracy. It may not reflect the current information pertaining to the property of interest.

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 2006**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-06-18-00-00-013.002**Property Data**

Parcel Location	20831 ANTHONY RD,NOBLESVILLE
Taxing Unit	Washington
Legal Description	12/6/93 FR SHARP 9360120 AUD 10/6/00 FR MILLER 2000-50220
Section/Township/Range	S18 T19 R04
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	7.25
Effective Frontage	
Effective Depth	
Property Class	Cash Grain/General Farm

Exterior Features and Out Buildings

1 Attached Garage, 1 Concrete Apron, 1 Pool, 1 Barn, 1 Utility Shed,
1 Bay, 1 Concrete Patio, 3 Open Frame Porch, 1 Wood Deck,

Property Owner as of April 29, 2006

Kontos, Thomas & Rhonda S

Most Recent Valuation as of March 1, 2006

Assessed Value: Land	57100
Assessed Value: Improvements	273900
Total Assessed Value:	331000

Building 1, Card ID R01**Physical Characteristics**

Story Height	2.0
Attic	none
Basement	full
Crawl	none
Year Built	1993

Floor Construction

2.0 (second)	Sub and joists
Basement	Slab
1.0 (first)	Sub and joists
1.5 (half upper)	Sub and joists

Floor Finish

2.0 (second)	Carpet, Vinyl tile
Basement	Unfinished, None
1.0 (first)	Carpet, Vinyl tile
1.5 (half upper)	Carpet, Carpet

Exterior Cover

2.0 (second)	Wood siding
Basement	Masonry

Accommodations

Finished Rooms	8
Bedrooms	4

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	YES

Plumbing

Full Baths	2
Partial Baths	1

Fireplace

Fireplace Stacks	YES
------------------	-----

Basement Rec Room

Rec Room Type	
Rec Room Square Footage	0

Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Area
2.0 (second)	1215	1215
Basement	1133	0

1.0 (first)	Wood siding	1.0 (first)	1133	1133
1.5 (half upper)	Wood siding	1.5 (half upper)	576	576
Interior Finish		Garage		
2.0 (second)	Drywall	Garage Type	Framed	
Basement	None	Garage Square Footage	576	
1.0 (first)	Drywall			
1.5 (half upper)	Drywall			

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COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP

PLAN COMMISSION

BOARD OF ZONING APPEALS

August 31, 1993

Peter Miller
7738 Bayhill Drive
Indianapolis, IN 46236

FILE COPY

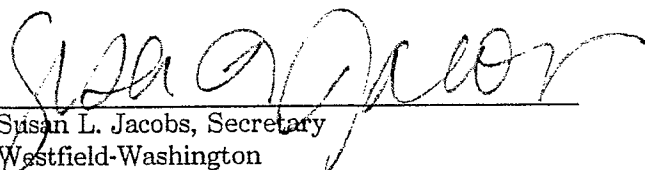
Dear Mr. Miller:

The Westfield-Washington Board of Zoning Appeals met August 16, 1993 at the Westfield City Building. After hearing case number 93-V-19, a motion was made to approve the plans as submitted, with the following conditions:

1. For this petitioner only.
2. The approval applies to the submitted plan only.
3. The use of the guest house is limited to family members of petitioner.

At the appropriate time, someone may come to the office to obtain the necessary permits. Feel free to call between the hours of 8:00 A.M. and 4:30 P.M. if you have any questions.

Sincerely,


Susan L. Jacobs, Secretary
Westfield-Washington
Board of Zoning Appeals

c.c: File



TOWN OF WESTFIELD, INDIANA

EXHIBIT 5

Petition Number:

Date of Filing:

0707-VS-021

0707-VS-022

06/11/07

WESTFIELD COMMUNITY
DEVELOPMENT DEPARTMENT

Application for VARIANCE OF DEVELOPMENT STANDARD
Westfield – Washington Township
Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Amy R. Hittle
Address 20831 Anthony Rd.
Noblesville, IN 46062
Telephone Number 317.877.9884
E-Mail Address amychittleconstruction.net
2. Landowner's Name same
Address _____
Telephone Number _____
3. *Representative Justin R. Rusher
*Address 7835 W. 200 S
Lapel, IN 46052
*Telephone Number 317.710.6398
*Email Address justinchittleconstruction.net

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
20831 Anthony Rd.
5. Legal description of property (list below or attach)
see attached
6. Complete description of the nature of the development standard variance applied for:
WC 10-04.030, B1 b (side yard set back)
WC 10-04.030, B1 (min. set back for existing stable)

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:

- a. Lot(s) shape and dimensions;
- b. Location and dimensions of existing and proposed structures;
- c. Location and dimensions of existing and proposed points of ingress and egress; and
- d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

NO

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Property adjacent is a wooded area so location of barn would not affect use or value of adjacent property

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

The existing gravel would be used as access to new structure, the usefulness of the existing barn would be less if it was moved south or west. The septic plays into affect if it were to be moved forward. If moved farther back drainage would also have to be divested.

TOWN OF WESTFIELD, INDIANA

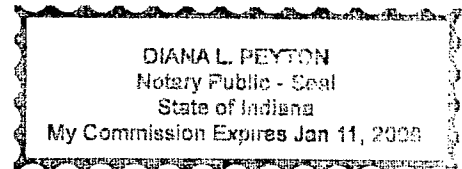
The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Amy R. Hittle
Applicant

SUBSCRIBED AND SWORN TO ME THIS 11 DAY OF June, 2007.

Diana L. Peyton
Notary Public

My commission expires: _____



- 1.) In those cases where the surveyor, solely, means to file or deliver a professional opinion of conditions regarding these facts or findings which are the subject of the certification and does not constitute a warranty or guarantee, either expressed or implied.
- 2.) The survey may possess additional information taken in Schedule A and Schedule B of a commitment for this insurance issued by First American Insurance, Inc., as Special Agent Stewart Title Guaranty Company effective August 14, 2003 as Commitment No. 002325233 Released 11.
- 3.) The zoning classification and its requirements as established by governmental records has not been shown on this survey plat.
- 4.) Based on a recent interpretation of FLOOD INSURANCE RATE MAP COMMUNITARI PANELS NUMBER 110023 0003 C and NUMBER 110023 0003 C, for the town of Bethel, Indiana, as viewed to May 1, 1983, the public water supply is NOT located in Special Flood Hazard Areas Zone A, as established by the Federal Emergency Management Agency, FEMA, and is not included in the Flood Insurance Program of the accuracy of any flood hazard statement shown on this survey plat. The flood insurance program is to any inordinately in the location or elevation shown on the above referenced Flood Insurance Rate Map. Flood plain certification is provided as a review of the latest revision of said Flood Insurance Rate Map, and shall not be construed as a confirmation or denial of flooding potential.
5. By this acknowledgment and any information supplied by the Office of the Hamilton County Deed Recorder, Deed Book end/or the Office of the Hamilton County Surveyor, no legal (Regulated) legal actions shall cross the line surveyed and estate.
- 6.) Underground utilities serving the within described parcel of real estate were NOT located for this survey. The location of underground utility services may be obtained by contacting the Underground Protection Agency at 1-800-368-5844.
- 7.) Possession lines are referenced of monumented corners only. Possessor/recipient lines may vary between said monumented corners.

48'

16' Lean-to with stone floor

concrete floor

10' overhang

9' overhang

9' overhang

4' window

48'

16'

40'

4' window

3' walk

14' 6" eaves
41x12 pitch

6x6 post

concrete filled

6" concrete pad

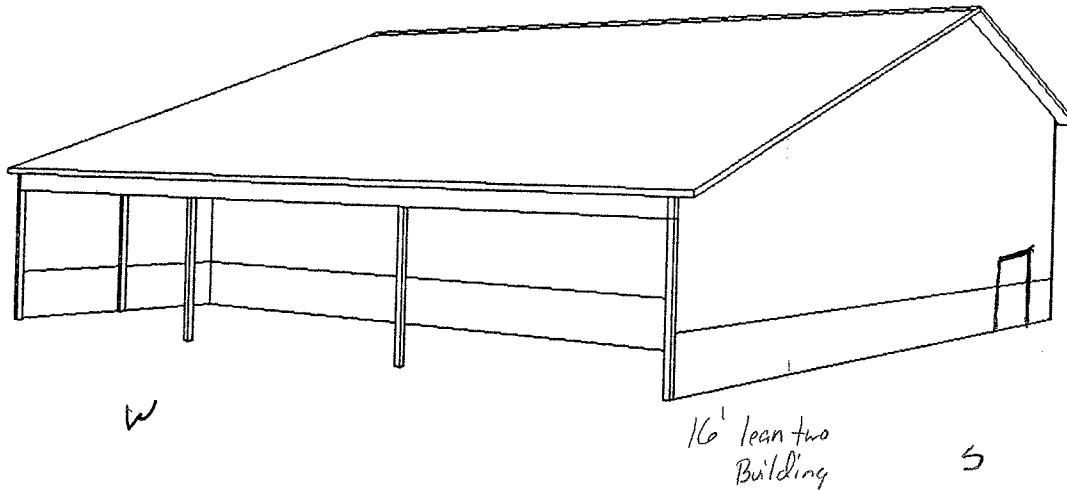
24" hole

412"

Emerald Green Ridgecap & Profile Vent
Colored Neoprene Washer Screws for the Roof (Best)
Colored Neoprene Washer Screws for the Walls (Best)
2X8 CCA Grade Board
Bottom Trim, Eave Trim, 6" Fascia Trim
No Front Sidewall Overhang, 12" Back Sidewall Overhang
12" Front Endwall Overhang, 12" Back Endwall Overhang
Emerald Green Soffit Color
Inside Closure Strips
3 - Insulated Ribbed White Overhead Door(s)
Contractor Trim For Overhead Door(s)
Custom Mini-Print To Aid In Construction

view:

Back View
N



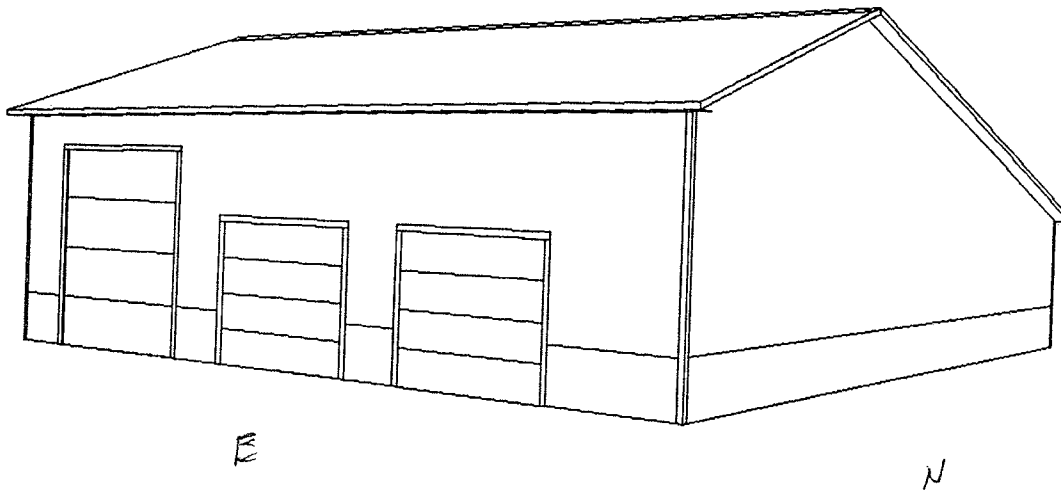
sidewall :
- No Doors

Endwall :
- No Doors

Si

Front View:

Front



Sidewall :

- 10' x 12' Overhead 48" DP
- 9' x 8' Overhead 216" DP
- 9' x 8' Overhead 372" DP

Endwall :

- No Doors

** DP ==> (D)oor (P)lacement, from the left side of the wall (in inches).

Customized to your specifications at the Building Materials counter.
Member for details!

Exhibit "A"

File No. 120702040

A part of the East half of the Southeast Quarter of Section 18, Township 19 North, Range 4 East located in Washington Township, Hamilton County, Indiana described as follows:

Commencing at an iron rod marking the point of intersection of the North line of the Southeast Quarter of Section 18, Township 19 North, Range 4 East and the center line of Anthony Road, said iron rod being South 88 degrees 48 minutes 26 seconds West (assumed bearing) 81.84 feet from the Northeast corner of said Southeast Quarter; thence South 04 degrees 05 minutes 16 seconds West 933.96 feet on and along the centerline of Anthony Road to a P.K. Nail marking the point of beginning of this description; thence South 04 degrees 05 minutes 16 seconds West 275.15 feet on and along the centerline of Anthony Road to a P.K. Nail; thence South 88 degrees 48 minutes 26 seconds West 1128.95 feet, more or less, parallel with the North line of said Southeast Quarter to a 5/8" iron rod with yellow cap stamped S0083 on the West line of a tract of real estate described in Instrument Number 9122393; thence North 01 degrees 26 minutes 24 seconds West 273.98 feet more or less, on and along said West line to a 5/8" iron rod with yellow cap stamped S0083 which bears South 88 degrees 48 minutes 26 seconds West from the point of beginning; thence North 88 degrees 48 minutes 26 seconds East 1155.45 feet, more or less parallel with the North line of said Southeast Quarter to the point of beginning.

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Thomas Kontos and Rhonda S. Kontos, Husband and Wife (Grantor) **CONVEY(S) AND WARRANT(S)** to Amy R. Hittle (Grantee) for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Hamilton County, State of Indiana:

SEE ATTACHED EXHIBIT "A"

Property Address: 20831 Anthony Rd., Noblesville, IN 46062

Subject to current taxes not delinquent, and all easements, agreements and restrictions of record and all public rights of way.

IN WITNESS WHEREOF, Grantor has executed this deed on the 15th day of May, 2007

Thomas Kontos
Thomas Kontos

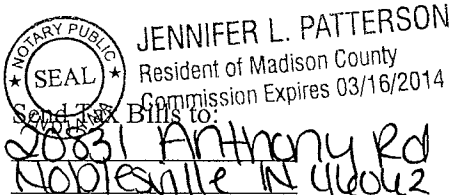
Rhonda S. Kontos
Rhonda S. Kontos

STATE OF INDIANA)
) SS.
COUNTY OF Hamilton)

Before me, a Notary Public in and for said County and State, personally appeared Thomas Kontos and Rhonda S. Kontos, who acknowledged the execution of the foregoing deed.

Witness my hand and notarial seal on the 15th day of May, 2007

Jennifer L. Patterson
Notary Public
Resident of _____ County
My Commission expires: _____



Prepared by:
Robert R. Thomas, Attorney at Law
540 Westfield Rd., Noblesville, IN 46060

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law
[Signature]
File No. 120702040